

110TH CONGRESS  
1ST SESSION

# H. R. 3662

To amend the Worker Adjustment and Retraining Notification Act to improve such Act.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. McHUGH introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Worker Adjustment and Retraining Notification Act to improve such Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Forewarn Act of  
5 2007”.

6 **SEC. 2. AMENDMENTS TO THE WORKER ADJUSTMENT AND**  
7 **RETRAINING ACT.**

8 (a) DEFINITIONS.—Section 2(a) of the Worker Ad-  
9 justment and Retraining Notification Act (29 U.S.C.  
10 2101(a)) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “100” each place that such  
3 appears and inserting “50”; and

4 (B) in subparagraph (B), by striking  
5 “4,000” and inserting “2,000”;

6 (2) in paragraph (2), by striking “50” and in-  
7 serting “25”; and

8 (3) in paragraph (3)(B)(ii), by striking “500”  
9 and inserting “100”.

10 (b) NOTICE REQUIRED.—Section 3 of the Worker  
11 Adjustment and Retraining Notification Act (29 U.S.C.  
12 2102) is amended—

13 (1) in subsection (a), by striking “60-day” and  
14 inserting “90-day”;

15 (2) in subsection (b), by striking “60-day” each  
16 place that such appears and inserting “90-day”; and

17 (3) by adding at the end the following:

18 “(e) CALENDAR DAYS.—All references in this Act to  
19 ‘days’ shall mean calendar days.”.

20 (c) NOTICE TO OTHER PARTIES AND SECRETARY OF  
21 LABOR.—Section 3(a) of the Worker Adjustment and Re-  
22 training Notification Act (29 U.S.C. 2102(a) is amend-  
23 ed—

1           (1) in the subsection heading, by striking  
2           “LOCAL GOVERNMENTS” and inserting “GOVERN-  
3           MENT OFFICIALS”;

4           (2) in paragraph (1), by striking “; and” and  
5           inserting a semicolon;

6           (3) in paragraph (2), by striking the period and  
7           inserting a semicolon; and

8           (4) by adding after paragraph (2) the following:

9           “(2) to the Secretary of Labor, including the  
10          number of employees affected;

11          “(3) to the United States Senators, United  
12          States Representative, State Senator, and State  
13          Representative who represent the area in which the  
14          plant is located; and

15          “(4) to the Governor of the State in which the  
16          plant is located and to the chief elected official of  
17          the unit of local government within such closing or  
18          layoff is to occur.”.

19          (d) DETERMINATIONS WITH RESPECT TO EMPLOY-  
20          MENT LOSS.—Section 3(d) of the Worker Adjustment and  
21          Retraining Notification Act (29 U.S.C. 2102(d)) is  
22          amended by striking “, each of which is less than the min-  
23          imum number” and all that follows, and inserting “during  
24          any 180-day period, one or more of which is less than the  
25          minimum number specified in section 2(a)(2) or (3) but

1 which in the aggregate equal or exceed that minimum  
 2 number, shall be considered a plant closing or mass lay-  
 3 off.”.

4 (e) PENALTY.—Section 5 of the Worker Adjustment  
 5 and Retraining Notification Act (29 U.S.C. 2104) is  
 6 amended—

7 (1) in subsection (a)(1)(A), by striking “back  
 8 pay” and inserting “two days’ pay multiplied by the  
 9 number of calendar days short of 90 that the com-  
 10 pany provided notice before such closing or layoff”;

11 (2) in the matter following subparagraph (B),  
 12 by striking “60 days” and inserting “90 days”; and

13 (3) by adding at the end the following:

14 “(c) AUTHORITY OF SECRETARY OF LABOR.—A civil  
 15 action may be brought by the Secretary of Labor (or the  
 16 appropriate State attorney general if the Secretary fails  
 17 to act within 6 months of the alleged violation) on behalf  
 18 of one or more employees for relief under this section.”.

19 (f) EDUCATIONAL MATERIALS.—The Worker Adjust-  
 20 ment and Retraining Notification Act (29 U.S.C. 2101 et  
 21 seq.) is amended by adding at the end the following:

22 **“SEC. 12. EDUCATIONAL MATERIALS.**

23 “The Secretary of Labor shall make educational ma-  
 24 terials concerning employee rights and employer respon-  
 25 sibilities under this Act available to the general public and

1 employers. Such materials shall be available on the Inter-  
2 net website of the Secretary and in written form for dis-  
3 tribution by employers.”.

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